



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP No. 15950 of 2024

Date of Decision : 15.07.2024

Rajinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Arya, Advocate for
Ms. Sukhveer Kaur, Advocate for the petitioner.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioner submits that the husband of the petitioner was working with the respondents and his services were regularized on 02.03.2009 (Annexure P-1) and unfortunately, thereafter, he died while in service but the petitioner is not being given family pension on the ground that under the New Pension Scheme, which is applicable w.e.f. 01.01.2004 the pension is not available to the employee concerned, hence, the question of the grant of family pension does not arise.

2. Learned counsel for the petitioner further submits that once the services of the husband of the petitioner were regularized in the year 2009 and on 01.01.2004, the husband of the petitioner was in service as he was working since 10.12.2002, keeping in view the judgment of the Division Bench of this Court in CWP No.2371 of 2010 titled as ***Harbans Lal Vs. State of Punjab and others***, decided on 31.08.2010, the employees who were in service as on 01.01.2004, are to be treated under the Old Pension



Scheme, hence, the respondents are under obligation to grant the petitioner the benefit of family pension by treating the late husband of the petitioner under the Old Pension Scheme.

3. Notice of motion.

4. On the asking of the Court, Mr. Satnam Preet Singh, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

5. Learned State counsel submits that in case, any details representation is filed by the petitioner raising all these pleas, the same will be looked into in accordance with law and an appropriate will be passed within a period of 8 weeks from the receipt of any such representation and in case, it is found feasible that as per the settled principle of law in ***Harbans Lal's case (supra)***, the petitioner's husband was liable to be considered under the Old Pension Scheme, the appropriate relief will be granted to the petitioner, otherwise due reasons will be mentioned in the order to be passed for not granting the relief which will be conveyed to the petitioner.

6. Learned counsel for the petitioner submits that in view of the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed with liberty to file a detailed representation.

7. Ordered accordingly.

July 15, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No